MOTION UNDER 28 U.S.C. § 2255 TO VACATE, SET ASIDE, OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY

	SENTENCE BY A FERSON IN 1222
	States District Court District Western District of Missouri
	Docket of Case Ivo.
	ider which you were convicted):
	Millman Prisoner No.:
Place of	Confinement: 27913-509
FCI	Pekin Movent (include name under which convicted)
UNITED	COTATEC OF AMERICA
	V. Mark Millman
L	MOTION (a) Name and location of court which entered the judgment of conviction you are challenging:
1.	(a) Name and location of court which emercu the judgment of
	IN location Distriction
-	Spine Field Missouri
	- Dingsette
-	La gland know
	(b) Criminal docket or case number (if you know):
	(a) Date of the judgment of conviction (if you know):
2.	(a) Date of the judgment of conviction (if you know).
	(b) Date of sentencing: Don't know
3.	Length of sentence: 35 years
·	Nature of crime (all counts): Possessian of child pornography and Production
4.	Nature of crime (all counts): Vossess. ON Or Child Post of
	of child Poinography
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5.	(a) What was your plea? (Check one) (1) Not guilty (2) Guilty (3) Nolo contendere (no contest)
	(b) If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or
	(b) If you entered a guilty plea to one count of indistances, and pot guilty to?
	what did you plead guilty to and what did you plead not guilty to?
6.	If you went to trial, what kind of trial did you have? (Check one) Jury Judge only Judge only If you went to trial, what kind of trial did you have?

7.	Did you testify at a pretrial hearing, trial, or post-trial hearing?
8.	Did you appeal from the judgment of conviction? Yes No No
9.	If you did appeal, answer the following: (a) Name of court:
	(b) Docket or case number (if you know):
	(c) Result:
	(d) Date of result (if you know):
	(e) Citation to the case (if you know):
	(f) Grounds raised:
	(g) Did you file a petition for certiorari in the United States Supreme Court? Yes □ No □
	If "Yes," answer the following:
	(1) Docket or case number (if you know):
	(2) Result:
	(3) Date of result (if you know):
	(4) Citation to the case (if you know):
	(5) Grounds raised:
10.	Other than the direct appeals listed above, have you previously filed any other motions, petitions, or applications, concerning this judgment of conviction in any court?
	Yes □ No Ø
11.	If your answer to Question 10 was "Yes," give the following information:
	(a) (1) Name of court:
	(2) Docket or case number (if you know):
	(3) Date of filing (if you know):
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	(4)	Nature of the proceeding:
	(5)	
	(3)	Grounds Adabas.
	(6)	Did you receive a hearing where evidence was given on your motion, petition, or application?
	(-)	Yes D No D
	(7)	Result:
		Date of result (if you know):
(h)	Tf w	ou filed any second motion, petition, or application, give the same information:
(U)	(1)	Name of court:
	(2)	Docket of case number (if you know):
	(3)	Date of filing (if you know):
	(4)	Nature of the proceeding:
	(5)	Grounds raised:
		Did you receive a hearing where evidence was given on your motion, petition, or application?
	(6)	
		Yes □ No □
		Result:
	(8)	Date of result (if you know): you appeal to a federal appellate court having jurisdiction over the action taken on your motion, petition,
ora	-	cation?
		First petition: Yes \(\subseteq \text{No} \si
	(2)	Second petition: Yes \(\subseteq \text{No } \subseteq \)
(d)	If yo	ou did not appeal from the action on any motion, petition, or application, explain briefly why you did not:

12.	For this motion, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.
GRO	UND ONE: Inessective assistance for Failure to investigate
	(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): See affached manarandum of Points and authorities at 3:10-28 to 7:28.
	(b) Direct Appeal of Ground One: (1) If you appealed from the judgment of conviction, did you raise this issue? Yes No (2) If you did not raise this issue in your direct appeal, explain why: Ineffective assistance not arguable on direct Appeal
	(c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes No (2) If you answer to Question (c)(1) is "Yes," state: Type of motion or petition: Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application? Yes No No

	(4) Did you appeal from the denial of your motion, petition, or application?
	Ves □ No □
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes □ No □
	(6) If your answer to Question (c)(4) is "Yes," state:
	Name and location of the court where the appeal was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	did not enneal or raise this
	(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this
	issue:
	and the supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): See attached memorandum of points and authorities and 8
	to (0, 2)
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(b) Direct Appeal of Ground Two:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes 🗆 No 🗹

(c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes		(2) If you did not raise this issue in your direct appeal, explain why: Inffective assistance						
(c) Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application? Yes \Boxedure No \Boxedure (2) If you answer to Question (c)(1) is "Yes," state: Type of motion or petition: Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes \Boxedure No \Boxedure (4) Did you appeal from the denial of your motion, petition, or application? Yes \Boxedure No \Boxedure (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes \Boxedure No \Boxedure (6) If your answer to Question (c)(4) is "Yes," state: Name and location of the court where the appeal was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:								
(1) Did you raise this issue in any post-conviction motion, petition, or application? Yes								
Yes \begin{align*} No \begin{align*} \left(2) & If you answer to Question (c)(1) is "Yes," state: \text{Type of motion or petition:} \text{ Name and location of the court where the motion or petition was filed:} \text{ Docket or case number (if you know):} \text{ Date of the court's decision:} \text{ Result (attach a copy of the court's opinion or order, if available):} \text{ (3) Did you receive a hearing on your motion, petition, or application?} \text{ Yes } \begin{align*} No \begin{align*} \text{ (4) Did you appeal from the denial of your motion, petition, or application?} \text{ Yes } \begin{align*} No \begin{align*}	(c)							
(2) If you answer to Question (c)(1) is "Yes," state: Type of motion or petition: Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes		(1) Did you raise this issue in any post-conviction motion, petition, or application?						
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Name and location of the court where the motion or petition was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes		(2) If you answer to Question (c)(1) is "Yes," state:						
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Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (3) Did you receive a hearing on your motion, petition, or application? Yes No No C (4) Did you appeal from the denial of your motion, petition, or application? Yes No C (5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal? Yes No C (6) If your answer to Question (c)(4) is "Yes," state: Name and location of the court where the appeal was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:		Name and location of the court where the motion or petition was filed:						
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Yes \(\text{No} \) \(\text{If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?} \) Yes \(\text{No} \) \(\text{No} \) \(\text{If your answer to Question (c)(4) is "Yes," state:} \) Name and location of the court where the appeal was filed: Docket or case number (if you know): Date of the court's decision: Result (attach a copy of the court's opinion or order, if available): (7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:								
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(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise this issue:								
issue:		Result (attach a copy of the court's opinion or order, if available):						
issue:								
issue:		(a)(5) is "No" explain why you did not appeal or raise this						
		issue:						

	7. 10/07)
ND	THREE:
	Lest state the specific facts that support your claim.):
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
(b)	Direct Appeal of Ground Three:
	(1) If you appealed from the judgment of conviction, did you raise this issue?
	Yes No No
	(2) If you did not raise this issue in your direct appeal, explain why:
(c)	Post-Conviction Proceedings: (1) Did you raise this issue in any post-conviction motion, petition, or application?
	Yes □ No □
	(2) If you answer to Question (c)(1) is "Yes," state:
	Type of motion or petition:
	Name and location of the court where the motion or petition was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(3) Did you receive a hearing on your motion, petition, or application?
	Yes 🗆 No 🗆
	(4) Did you appeal from the denial of your motion, petition, or application?
	Yes □ No □
	(5) If your answer to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes \(\Bar{\sigma} \) No \(\Bar{\sigma} \)
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	Name and location of the court where the appeal was filed:
	Docket or case number (if you know):
	Date of the court's decision:
	Result (attach a copy of the court's opinion or order, if available):
	(7) If your answer to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise t issue:
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UND	FOUR:
(a)	Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):
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	The state of the s
	Direct Appeal of Ground Four: (1) If you appealed from the judgment of conviction, did you raise this issue?
4	·
	Yes No No (2) If you did not raise this issue in your direct appeal, explain why:
((2) If you did not talse this issue in your direct appear, expense.
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(a) 1	Post-Conviction Proceedings:
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13.

Non	me and location	of the court where the motion or petition was filed:
Nai	ile and location	of the count where the motion of pointed was and
Doc	cket or case nun	nber (if you know):
Date	e of the court's	decision:
Res	ult (attach a cop	by of the court's opinion or order, if available):
(3)	Did you receiv	ve a hearing on your motion, petition, or application?
	Yes 🗆	No 🗆
(4)	Did you appea	l from the denial of your motion, petition, or application?
	Yes 🖂	No 🗆
(5)	If your answer	to Question (c)(4) is "Yes," did you raise the issue in the appeal?
	Yes 🗆	
(6)	If your answer	to Question (c)(4) is "Yes," state:
	•	
in am	ie and location	of the court where the appeal was filed:
Docl	ket or case num	ber (if you know):
Docl	ket or case num	ber (if you know):
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Dock Date Resu	ket or case num c of the court's c alt (attach a cop If your answer	ber (if you know): decision: y of the court's opinion or order, if available): to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise t
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Dock Date Resu	ket or case num of the court's call (attach a cop) If your answer e: ny ground in the grounds have	ber (if you know): decision: y of the court's opinion or order, if available): to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise to the court of the
Dock Date Resu	ket or case num of the court's call (attach a cop) If your answer e: ny ground in the grounds have	ber (if you know): decision: y of the court's opinion or order, if available): to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise to the court of the
Dock Date Resu	ket or case num of the court's call (attach a cop) If your answer e: ny ground in the grounds have	ber (if you know): decision: y of the court's opinion or order, if available): to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise to the court of the
Dock Date Resu	ket or case num of the court's call (attach a cop) If your answer e: ny ground in the grounds have	ber (if you know): decision: y of the court's opinion or order, if available): to Question (c)(4) or Question (c)(5) is "No," explain why you did not appeal or raise to the court of the

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging: (a) At the preliminary hearing: (b) At the arraignment and plea: (c) At the trial: (d) At sentencing: (e) On appeal: (f) In any post-conviction proceeding: (g) On appeal from any ruling against you in a post-conviction proceeding: Were you sentenced on more than one coust of an indictment, or on more than one indictment, in the same count at the same time? Yes No Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes No Do On Sive the date the other sentence was imposed:	ere you sentenced on more than one count of an indictment, or on more than one indictment, in the same cound at the same time? Yes \(\subseteq \text{ No } \superscript{ No } \supersc	you are chai	e any motion, petition, or appeal <u>now pending</u> (filed and not decided yet) in any court for the judge lenging? Yes I No I
Give the name and address, if known, of each attorney who represented you in the following stages of the you are challenging: (a) At the preliminary hearing: (b) At the arraignment and plea: (c) At the trial: (d) At sentencing: (e) On appeal: (f) In any post-conviction proceeding: (g) On appeal from any ruling against you in a post-conviction proceeding: Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same of and at the same time? Yes No D Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes No S No S On appeal from any count of an indictment, or on more than one indictment, in the same of and at the same time? Yes No S On specific the sentence for the judgment that you are challenging? Yes No S On specific the sentence you will serve in the future:	ive the name and address, if known, of each attorney who represented you in the following stages of the on are challenging: (a) At the preliminary hearing: (b) Af the arraignment and plea: (c) At the trial: (d) At sentencing: (e) On appeal: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (e) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post-conviction proceeding: (f) On appeal from any ruling against you in a post		
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A one-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of –

(1) the date on which the judgment of conviction became final;

(2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making such a motion by such governmental action;

(3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or

(4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

^{*} The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255, paragraph 6, provides in part that:

▲AO 243 (Rev. 10/07)		Pa
Therefore, movant asks that the Court grant the following relief:	vacate desendants	
		_
or any other relief to which movant may be entitled.		
	Signature of Attorney (if any)	
	Signature of Attorney (if any)	
declare (or certify, verify, or state) under penalty of perjury that t	he foregoing is true and correct and that this Motion	
nder 28 U.S.C. § 2255 was placed in the prison mailing system o	a	Ü
	(month, date, year)	
xecuted (signed) on	_(date)	
	Signature of Movant	
the person signing is not movant, state relationship to movant and	d explain why movant is not signing this motion.	

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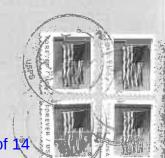
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